

1 SNOHOMISH COUNTY COUNCIL
2 Snohomish County, Washington

3
4 ORDINANCE NO. 24-____

5
6 RELATING TO PRIORITY HIRE PROGRAM; AMENDING CHAPTER 3.05 SCC

7
8 BE IT ORDAINED:

9
10 Section 1. Snohomish County Code Section 3.05.010, last amended by
11 Amended Ordinance No. 24-040, on June 5, 2024, is amended to read:

12
13 **3.05.010 Definitions.**

14
15 Where used in this chapter, unless the context clearly requires otherwise, the following
16 terms shall have the meaning and construction set forth herein:

17
18 (1) "Apprentice" means a person who has signed a written apprenticeship agreement
19 with and enrolled in an active registered apprenticeship program approved by the
20 Washington state Apprenticeship and Training Council.

21
22 (2) "Community workforce agreement" means an executed agreement signed by the
23 executive, or the executive's designee, on behalf of the county, and representatives of
24 the NW WA Building & Construction Trades Council, the Northwest National
25 Construction Alliance II and other labor organizations, as applicable, under this chapter.
26 The community workforce agreement is a project labor agreement for a single
27 construction project that contains terms and conditions for priority hiring and preferred
28 entry requirements.

29
30 (3) "Contractor" means a person or business entity that enters into a contract with the
31 county or a subcontractor performing services under such a contract. A contractor
32 employs individuals to perform work on construction projects, including general
33 contractors, subcontractors of all tiers and both union and nonunion entities.

34
35 ~~((4) "Economically distressed area" means a geographic area within Snohomish
36 County, by ZIP code, and found by the manager to be in the top thirty percent of all ZIP
37 codes in Snohomish County in terms of the concentration of individuals who meet at
38 least two of the following criteria: have income at or below two hundred percent of the
39 federal poverty level; are unemployed; or are at least twenty five years old and without a
40 college degree. The manager may add ZIP codes that meet these criteria for
41 construction projects that are part of the county's wastewater service area in Snohomish
42 and King counties. The manager may adjust the list of economically distressed areas
43 within Snohomish County in order to enhance regional uniformity with other local
44 jurisdictions implementing priority hire programs. The manager shall organize
45 economically distressed areas into a tiered structure placing in the first tier Snohomish~~

1 ~~County ZIP codes meeting criteria and placing in the second tier ZIP codes in adjacent~~
2 ~~counties that meet criteria.))~~

3
4 ~~((5))~~ (4) “Good faith efforts” means a reasonable and sincere effort made by the
5 contractor and its subcontractor to meet the established apprentice requirement, priority
6 hiring requirement and other hiring goals.

7
8 ~~((6))~~ (5) “Helmets to Hardhats” means the nationwide program that is administered by
9 the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit
10 corporation that connects National Guard, Reserve, retired and transitioning active-duty
11 military service members with skilled training and quality career opportunities in the
12 construction industry.

13
14 ~~((7))~~ (6) “Journey level” means that an individual has sufficient skills and knowledge of
15 an occupation, either through a registered apprenticeship program or through practical
16 on-the-job work experience, to be recognized by any combination of a state registration
17 agency, a federal registration agency or an industry, as being fully qualified to perform
18 the work of the occupation. To be “journey level”, practical experience must be equal to
19 or greater than the term of apprenticeship.

20
21 ~~((8))~~ (7) “Labor hours” refers to the total number of hours worked by workers receiving
22 an hourly wage who are directly employed by the contractor and all subcontractors on a
23 county public works project.

24
25 ~~((9) “Manager” means purchasing manager.))~~

26
27 ~~((10))~~ (8) “Model community workforce agreement” means a standardized project labor
28 agreement that would be anticipated to apply to all public works construction projects
29 ~~((required to utilize priority hire under this chapter and sets forth terms and conditions~~
30 ~~for hiring requirements to include priority hire workers)), signed by the county and~~
31 representatives of the NW WA Building & Construction Trades Council, the Northwest
32 National Construction Alliance II and other labor organizations, as applicable.

33
34 ~~((11))~~ (9) “Pre-apprentice graduate” means an individual who successfully completed a
35 pre-apprenticeship program and is readily available to enter a registered apprenticeship
36 program or has been accepted into a registered apprenticeship program, including
37 individuals who are completing the first or second year of apprenticeship training.

38
39 ~~((12))~~ (10) “Pre-apprenticeship program” means an education-based apprenticeship
40 preparation program that is formally recognized by the Washington State
41 Apprenticeship and Training Council and endorsed by one or more registered
42 apprenticeship sponsor with a focus on educating and training students to meet or
43 exceed minimum qualifications for entry into a registered apprenticeship program.

44
45 ~~((13))~~ (11) “Pre-construction meeting” means a meeting held between the County,
46 builders, contractors, subcontractors, and other essential personnel prior to a

1 construction project’s start date to go over important information, such as, but not
2 limited to project timelines, permits, goals, establish authority and communication,
3 clarify responsibilities, schedules, cost estimates, quality control, key stakeholders, and
4 job site safety.

5
6 ~~((14))~~ (12) “Preferred entry” means a program provided as part of a project labor
7 agreement or a community workforce agreement that allows pre-apprentice graduates
8 and Helmets to Hardhats veterans entry into a registered apprenticeship program ahead
9 of other applicants.

10
11 ~~((15))~~ (13) “Priority hire program” means the program created in this chapter to
12 prioritize the recruitment and placement of priority hire workers for training and
13 employment in the construction trades on public works projects where the estimated
14 cost to construct is over five million dollars.

15
16 ~~((16))~~ (14) “Priority hire worker” means an individual prioritized for recruitment,
17 training, and employment opportunities because the individual is a resident ~~((in an~~
18 ~~economically distressed area))~~ of Snohomish County.

19
20 ~~((17))~~ (15) “Project labor agreement” means an executed agreement between the
21 executive or designee, on behalf of the county, and one or more labor unions that
22 represent workers who typically perform on county public works projects, that provides
23 standards for work hours, wages, working conditions, safety conditions, union
24 representation, apprenticeship requirements and settlement of disputes procedures.

25
26 ~~((18))~~ (16) “Public works” refers to all county construction projects with an estimated
27 cost to construct of one million dollars or more. Contracts shall not be fragmented to
28 avoid the requirements of this chapter.

29
30 ~~((19))~~ (17) “Registered apprenticeship program” means an apprenticeship program
31 that is approved by the Washington State Apprenticeship and Training Council.
32 Registered apprenticeship programs may include both union and non-union programs.

33
34 Section 2. Snohomish County Code Section 3.05.030, last amended by
35 Amended Ordinance No. 24-040, on June 5, 2024, is amended to read:

36
37 **3.05.030 Administration.**

38
39 (1) Apprentices.

40
41 (a) For those construction projects requiring the utilization of apprentices under
42 this chapter, the executive shall establish a percentage of total labor hours as a goal to
43 be performed by apprentices. The labor hour goals for the labor hours required to be
44 performed by apprentices on each such project shall be at least 15 percent of the total
45 labor hours on the individual project.

1 (b) For construction projects requiring the utilization of apprentices under this
2 chapter, bidders shall submit an apprentice utilization plan prior to contract execution
3 that reflects its plan to meet or exceed the 15 percent labor hour goal. Contractors shall
4 update their apprentice utilization plan throughout the project to reflect changes to their
5 plan to meet the labor hour goal.

6
7 (c) Apprentices utilized in accordance with this chapter must be enrolled in a
8 registered apprenticeship program that is approved by the Washington State
9 Apprenticeship and Training Council.

10
11 (d) Contracts for such construction projects that require the utilization of
12 apprentices shall include provisions detailing the apprentice labor requirements.

13
14 (e) Bids for construction projects that are subject to apprentice requirements as
15 described in this chapter shall include supplemental bidder responsibility criteria
16 pertaining to apprentice requirements in the bid document that allow the purchasing
17 manager to find a bidder non-responsive if the bidder failed to meet the apprenticeship
18 requirements on any project during the two-year period immediately preceding the date
19 of the bid solicitation.

20
21 (f) From notice to proceed until project completion, contractors shall submit
22 monthly reports to the county on their apprenticeship utilization, including progress
23 toward apprenticeship goals. Reports shall reflect actual progress toward the
24 apprenticeship utilization goals in the applicable trades as identified in the
25 apprenticeship plan. Contractors shall include a revised apprentice utilization plan
26 when changed conditions or circumstances affect the method or schedule of the
27 contractor's previously submitted plan to meet the labor hour goal. Failure to meet
28 targets of the applicable apprentice utilization plan may be deemed a breach of contract
29 under SCC 3.05.070.

30
31 (2) Priority hire.

32
33 (a) The executive shall develop a model community workforce agreement and
34 shall make a good faith effort to negotiate and execute the model community workforce
35 agreement that will be used for each public works construction project ~~((requiring))~~ that
36 requires the utilization of priority hire under this chapter. The model community
37 workforce agreement shall:

38
39 (i) Include terms and conditions for the utilization of priority hire and preferred
40 entry workers;

41
42 (ii) Require ~~((that))~~ contractors to submit a plan with their bid that provides a
43 minimum of ~~((20))~~ 25 percent of total apprenticeship hours be performed by a
44 combination of preferred entry and priority hire candidates ~~((priority hire labor~~
45 ~~hours))~~ in each trade utilized on a construction project ~~((requiring the utilization of~~
46 ~~priority hire under this chapter be performed by a combination of preferred entry~~

1 ~~and priority hire candidates~~). Labor hours completed by priority hire and
2 preferred entry apprentices pursuant to a community workforce agreement may
3 also be counted towards fulfillment of apprenticeship labor hour requirements
4 under an apprentice utilization plan as described in SCC 3.05.030(1);
5

6 (iii) Include provisions for pre-construction meetings;
7

8 (iv) Include provisions to ensure a respectful workplace that is inclusive and
9 focuses on nondiscrimination and antiharassment behaviors and provides
10 procedures for workers to address concerns;
11

12 (v) Include provision for the recruitment, retention and mentoring of construction
13 workers, including priority hire and preferred entry workers, and workers who
14 reside in other areas of Snohomish County, as they advance from apprentice
15 positions into journey level positions;
16

17 (vi) Include an order of precedence provision that includes any applicable
18 collective bargaining agreements in the order of precedence after the model
19 community workforce agreement;
20

21 (vii) Where free and ample parking is not available at a public works construction
22 project, include provisions to ensure vehicle parking at or nearby, or alternatively,
23 at a dedicated parking area from which the contractor provides transportation, all
24 at no cost to workers;
25

26 (viii) Include provisions to ensure access to childcare and/or a plan to provide
27 affordable childcare for workers; and
28

29 (ix) Be structured so as to streamline paperwork and reporting requirements;
30

31 (b) If the executive is unable to negotiate and execute a model community
32 workforce agreement despite good faith efforts, the executive will develop and execute
33 a community workforce agreement specific to that project, which must contain terms
34 and conditions for the use of priority hire workers and preferred entry workers as well as
35 provisions related to a respectful workplace.
36

37 (c) Contractors who make public work bids on construction projects requiring the
38 utilization of priority hire under this chapter shall evidence good faith efforts that the
39 contractor can reasonably make to meet the requirements of this chapter, including the
40 percentage labor hour requirements, that are consistent with the terms and conditions
41 set forth in the applicable community workforce agreement.
42

43 Section 3. Snohomish County Code Section 3.05.035, adopted by Amended
44 Ordinance No. 24-040, on June 5, 2024, is repealed.
45

1 Section 4. Snohomish County Code Section 3.05.050, last amended by
2 Amended Ordinance No. 24-040, on June 5, 2024, is amended to read:

3
4 **3.05.050 Monitoring.**

5
6 The executive shall implement a system for monitoring the actual use of apprentices
7 and priority hire workers in construction projects subject to this chapter. Such monitoring
8 shall include identifying individual apprentices and priority hire workers by name and
9 Washington State apprenticeship registration number and address; reviewing
10 documents provided by the contractor showing total apprentice and priority hire labor
11 hours; determining the apprentice and priority hire hours worked by minorities,
12 women((;-)) and veterans((;-refugees and immigrants)); and assessing whether the
13 contractor has complied with the apprenticeship or priority hire requirement established
14 in its contract.

15
16 Section 5. Snohomish County Code Section 3.05.060, last amended by
17 Amended Ordinance No. 24-040, on June 5, 2024, is amended to read:

18
19 **3.05.60 Reporting.**

20
21 (1) The executive shall report to the council annually upon the use of apprentices and
22 priority hire for construction projects. The report shall include to the extent it is available:

23
24 (a) The percentage of labor hours actually worked by apprentices and priority
25 hire on each project and the total number of labor hours on each project((;-));

26
27 (b) The number of apprentices and priority hire by contractor broken down by
28 trade and craft category; and

29
30 (c) The number of apprentices and percentage of minorities, women and
31 veterans utilized as apprentices or priority hire on each project.

32
33 (2) Prior to December 31, 2021, the executive shall report to the council statistical data,
34 to the extent it is available, on the use and issuance of exceptions and waivers under
35 SCC 3.05.040 for a prior 12-month period. The report shall also include
36 recommendation for maintaining or amending the existing exceptions and waivers
37 provided in this chapter.

38
39 ~~((3) The executive shall review program results annually to determine if the priority hire
40 program should be expanded or amended to meet the purpose of the program.))~~

41
42 Section 6. Section 10 of Amended Ordinance No. 24-040, adopted on June 5,
43 2024, is amended to read as follows:

44
45 All changes to Snohomish County Code by Ordinance 24-040 and Ordinance 24-
46 shall not be effective until January 1, 2025. ~~((Further the Priority Hire program~~

1 ~~contemplated in this chapter need not be implemented for any given year in which the~~
2 ~~county council does not provide at least a minimum of 2.0 additional FTEs and sufficient~~
3 ~~appropriations to pay for the additional FTEs, as well as appropriations necessary to~~
4 ~~fund supplies, interfund rates, professional services, and contracts with community~~
5 ~~based organizations that identify, recruit and provide pre-apprenticeship training.)~~
6

7
8 PASSED this ___ day of _____, 2024.

9
10 SNOHOMISH COUNTY COUNCIL
11 Snohomish County, Washington

12
13 _____
14 Chairperson

15
16 ATTEST:

17
18 _____
19 Clerk of the Council

- 20
21 () APPROVED
22 () EMERGENCY
23 () VETOED

24 DATE: _____
25

26
27 _____
28 County Executive

29 ATTEST:

30
31 _____
32 Approved as to form only:

33
34 _____
35 Deputy Prosecuting Attorney
36
37
38
39
40